IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1442 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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RAMESH KHODABHAI BHOI C/O VINUBHAI BHOI

Versus

GUJARAT STATE HANDICRAFTS DEVELOPMENT CORP LTD

Appearance:

1. Special Civil Application No. 1442 of 2000

MR BA VAISHNAV for Petitioner No. 1

MR HS MUNSHAW for Respondent No. 1

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 09/04/2002

ORAL JUDGEMENT

Heard learned advocate Mr. Vaishnav for the petitioner and Mr. Muhsnaw for the respondent. According to the petitioner, he is working with the respondent since July, 1992 since his recruitment pursuant to an advertisement in a daily news paper.

According to him, the corporation is extending his tenure every year by terming his appointment as continuous. According to him, the persons appointed with him at Hyderabad filed a petition for regularization in the High Court of Andhra Pradesh and their services have been regularized whereas the services of the petitioner have not been regularized and hence this petition.

Learned advocate Mr. Vaishnav has submitted that after filing of this petition, the services of the petitioner has been terminated by the respondents and, therefore, now the petitioner will have to raise the industrial dispute for challenging the order of termination before the appropriate forum. He has submitted that after obtaining orders for reinstatement from the appropriate forum, the petitioner will have to raise the dispute for regularization before the appropriate forum in accordance with law.

In view of the statement made by Mr. Vaishnav, this petition is disposed of without observing anything on merits and with a liberty in favour of the petitioner to challenge the order of termination before the appropriate authority after raising industrial dispute in this regard. In case he is ordered to be reinstated in such dispute that may be raised by the petitioner, then, after his reinstatement, the petitioner will be at liberty to raise dispute for regularization of his service before the appropriate forum in accordance with law. With these clarifications and observations, this petition is disposed of at this stage without observing anything on merits. Rule is discharged. There shall be no order as to costs.

9.4.2002. (H.K. Rathod,J.)

Vyas